

QUESTIONS AND ANSWERS

HIRING

Q. Why is the Federal Government specifically helping welfare recipients rather than other poor people?

A. The Administration makes no apologies about the fact that they are asking the agencies to hire welfare recipients [adult or teen (under the age of 19) parents on Temporary Assistance for Needy Families (TANF) administered by a State under the Federal block grant, Aid to Families with Dependent Children (AFDC), or Tribal Temporary Assistance for Needy Families program administered by an eligible Indian Tribe]. These are the people who it is most crucial to reach and put on the track of work. The intent is to help these families move from dependence on welfare to independence through self-sufficiency.

Q. What hiring authorities are currently available to enable agencies to meet their goals?

A. There are a number of authorities both competitive and excepted that may be appropriate for use in this effort. These authorities are described in the Section D of the Handbook. Activities are reminded that positions of guards, custodians, elevator operators, and messengers are reserved for the employment of veterans under title 5 U.S.C. 3310. Other positions may be reserved under statutes which apply to specific agencies. Please also be mindful of these.

Because the Worker-Trainee program has been identified as an appropriate hiring mechanism for this effort, more detailed information is provided in this forum about that program. The appointing authority for the Worker-Trainee program is the temporary appointment pending establishment of a register (TAPER) authority.

Q. The proposed regulations on Temporary and Term Employment, 5 CFR Part 316 published in the Federal Register on September 9, 1996, proposed to eliminate the authority for temporary appointments pending the establishment of a register (TAPER), which includes Worker-Trainee appointments. Does this have an effect on agencies ability to continue to use this authority?

A. No. Because of this Presidential initiative, which lends itself to the use of Worker-Trainee appointments, the final regulations on Temporary and Term Employment, 5 CFR Part 316 will not include the previous proposal to eliminate the TAPER authority.

Q. Why are TAPER appointments being used when it is unlikely that registers will be established for recruitment of Worker-Trainees?

A. As a result of delegated examining to agencies, there is no longer a need for central OPM registers, and OPM does not expect to recreate them. Because of the availability and ease in using this authority it was decided to continue its use. As more experience is gained in hiring Worker-Trainees under this initiative, OPM will reassess with agencies to determine if the use of the TAPER authority should be continued.

Q. Will DoD provide a delegated examining authority for hiring Worker-Trainees?

A. Delegated authority is not required to hire Worker-Trainees under 5 CFR 316.201. Activities may recruit and hire locally under the CFR authority. However, activities must follow the provisions of 5 CFR 333 when making Worker-Trainee appointments.

Q. Will there be a new appointing authority in the excepted service for Worker Trainee jobs?

A. At this time no new authority is planned; however, OPM will continue to monitor and evaluate the use of the Worker-Trainee and other current authorities to determine if another authority or modification of the Worker-Trainee authority would be appropriate.

Q. Did OPM decide not to create a new hiring track because of pressure from the Veterans' groups and unions?

A. No. OPM decided not to create a new hiring track because it was not needed. The Worker-Training program already existed, which, if revitalized would help do the job. Creating a new program would only add unnecessary complications.

Q. Will OPM grant a waiver of the application of priority referral and selection for displaced employees under CTAP and ICTAP regulations?

A. No. The requirements for priority referral of displaced Federal employees must be met.

Q. Are agencies obligated to convert employees on TAPER appointments to career appointments at the end of the three year period?

A. Yes. 5 U.S.C. 3304a requires individuals serving in positions in the competitive service under a temporary appointment pending establishment of a register to acquire competitive status and are entitled to have their appointments converted to career appointments, without condition, when they meet the conditions of the appointing authority.

Q. What are the conditions that must be met for conversion at the end of the 3-year period under TAPER authorities?

A. Employees must meet conditions as described in 5 CFR 315.704, which include completion of 3 years in such positions, rendering of satisfactory service for the 12 months immediately preceding the conversion, and meeting applicable qualification requirements for the position.

Q. What action will agencies take in the event an individual does not meet these conditions?

A. An employee under a TAPER appointment who does not meet the requirements and conditions of the appointment must be terminated no later than 90 days after he or she has completed the 3-year period beginning with the appointment date.

Q. Under what authority will terminations of employees not meeting conditions of TAPER appointments be effected?

A. TAPER employees have protection in adverse actions of 5 U.S.C. 7511 and in performance-based actions of 5 U.S.C. 4303 after they have completed 1 year of current, continuous service. Agencies must monitor and evaluate the performance of employees under the Worker-Trainee program, and extend the same consideration and job protections as they do to their permanent staffs.

Q. What will happen if at the end of the 3-year period an agency cannot convert the employee to the competitive service?

A. The purpose of the program is to provide continuing employment if the employee meets conditions for conversion. If, however, an agency finds itself unable to convert the employee, the agency will be required to conduct a Reduction-in-Force to deal with this situation. Employees under TAPER appointments are in tenure group III for reduction-in-force purposes.

Q. Do employees under TAPER appointments have competitive status?

A. TAPER employment does not confer competitive status and while under TAPER appointments, employees are not eligible for reinstatement or transfer to other agencies.

Q. Will the 3-year period required for conversion continue if there are breaks in service?

A. When there is a break in service to enter the armed forces and then reemployment in such a position within 120 days after separation under honorable conditions, the period from the date the employee leaves their position to the date of reemployment is included in the 3-year period.

Q. How should appointments under the TAPER authority be documented on the SF-50?

A. Agencies should use Nature of Action Code 112, with the Nature of Action "Temp Appt-PER," and Authority Code "MBM."

Q. How will agencies ensure selection from among the target population?

A. The most feasible way to attract viable candidates is to accurately and succinctly describe the nature of the work and the minimum qualifications needed to apply in the vacancy announcement for the position being filled, and to make sure all local agencies and programs serving welfare recipients know about all Federal vacancies.

Q. Will competition be required to fill vacancies under this program?

A. No. Activities may use discretion in determining how they can best fill positions given the qualifications of welfare recipients. Activities should consider all existing competitive and excepted service hiring authorities which may be appropriate. All requirements associated with any given authority continue to apply. Hiring of Worker-Trainees under the TAPER authority is accomplished through 5 CFR part 333 procedures which describe the application of "outside the register" procedures and does not require rating and ranking of applicants other than priority referral under career transition assistance regulations and veterans' preference.

Q. How are Worker-Trainee candidates evaluated to determine who is to be hired?

A. Worker-trainee jobs are those jobs in which the incumbent performs simple tasks and is given the opportunity to learn good work habits and marketable work skills. These jobs are aimed at unskilled workers to be hired in GS-1, and WG-1 and WG-2 positions. As such, only a very simple screening process is needed to identify those to be hired.

Therefore, it is imperative that the requirements on the job announcement be brief and simple, explaining that the trainee opportunity is opened to those with little or no skills, and briefly describing the learning and performance expectations, e.g., punctuality, attention to details, ability to follow instructions, dependability, willingness and motivation to learn. (OPM has developed a sample vacancy announcement that agencies may use as a guide. The sample vacancy announcement is provided at Appendix 11.)

Q. Will OPM develop a standard vacancy announcement and/or rating schedule for Worker-Trainee positions?

A. Yes. OPM has developed a standard vacancy announcement for agency use, and will have it available on OPM's bulletin board, OPM ONLINE (formerly OPM MAINSTREET), and on OPM's web site, www.opm.gov. Rating schedules are not needed in the application of Part 333 regulations but if activities find they want to use them, rating schedules can be developed.

Q. How can welfare recipients be hired at a time when government is downsizing and budgets are tight?

A. In just this last fiscal year, the Federal government hired about 58,000 permanent employees and about 140,000 temporary employees. Many of these were for lower level jobs. Only available vacancies will be used for this program.

Q. Aren't welfare recipients being favored over everyone else?

A. Regular hiring procedures will continue to be used. Departments are encouraged to use an existing hiring authority that allows departments to cut through red tape and hire entry-level workers quickly and easily. Outreach efforts are also encouraged. This is the same commitment that the President has asked of the private sector.

TRAINING

Q. Is there training money available for this program?

A. Special training should be funded from an activities existing resources. Activities should connect with local U.S. Department of Labor, Job Training and Partnership Act (JTPA) program representatives who are already training welfare recipients.

SUPPORT SERVICES

Q. Will DoD offer fare subsidies to employees hired under the Welfare-to-Work program?

A. For reasons of cost and equity, the Department has not used transportation subsidies to any significant extent. Each DoD installation is authorized to establish an incentive program consistent with statutory and regulatory requirements.

REPORTS

Q. How are individuals hired under this program be counted?

A. Guidance on reporting procedures is provided in Section G of this Handbook.

Q. Can activities count anyone in addition to TANF recipients?

A. Activities should count only new hires who are adults or teen parents receiving assistance under: the Temporary Assistance for Needy Families (TANF) program, Aid to Families with Dependent Children (AFDC), or Tribal Temporary Assistance for Needy Families program.